

104TH CONGRESS
1ST SESSION

H. R. 714

To establish the Midewin National Tallgrass Prairie in the State of Illinois,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1995

Mr. WELLER introduced the following bill; which was referred to the Committee on Agriculture and, in addition, to the Committees on National Security, Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Midewin National Tallgrass Prairie in the
State of Illinois, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the “Il-
5 linois Land Conservation Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO
MIDEWIN NATIONAL TALLGRASS PRAIRIE

- Sec. 101. Principles of transfer.
 Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
 Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
 Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
 Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
 Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING
JOLIET ARMY AMMUNITION PLANT

- Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
 Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
 Sec. 203. Disposal of certain real property at Arsenal for economic development.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Degree of environmental cleanup.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Administrator” means the Ad-
 4 ministrator of the United States Environmental Pro-
 5 tection Agency.

6 (2) The term “agricultural purposes” means
 7 the use of land for row crops, pasture, hay, and
 8 grazing.

9 (3) The term “Arsenal” means the Joliet Army
 10 Ammunition Plant located in the State of Illinois.

11 (4) The acronym “CERCLA” means the Com-
 12 prehensive Environmental Response, Compensation,
 13 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

1 (5) The term “Defense Environmental Restora-
2 tion Program” means the program of environmental
3 restoration for defense installations established by
4 the Secretary of Defense under section 2701 of title
5 10, United States Code.

6 (6) The term “environmental law” means all
7 applicable Federal, State, and local laws, regula-
8 tions, and requirements related to protection of
9 human health, natural and cultural resources, or the
10 environment, including CERCLA, the Solid Waste
11 Disposal Act (42 U.S.C. 6901 et seq.), the Federal
12 Water Pollution Control Act (33 U.S.C. 1251 et
13 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),
14 the Federal Insecticide, Fungicide, and Rodenticide
15 Act (7 U.S.C. 136 et seq.), the Toxic Substances
16 Control Act (15 U.S.C. 2601 et seq.), and the Safe
17 Drinking Water Act (42 U.S.C. 300f et seq.).

18 (7) The term “hazardous substance” has the
19 meaning given such term by section 101(14) of
20 CERCLA (42 U.S.C. 9601(14)).

21 (8) The abbreviation “MNP” means the
22 Midewin National Tallgrass Prairie established pur-
23 suant to section 104 and managed as a part of the
24 National Forest System.

1 (9) The term “national cemetery” means a
2 cemetery established and operated as part of the Na-
3 tional Cemetery System of the Department of Veter-
4 ans Affairs and subject to the provisions of chapter
5 24 of title 38, United States Code.

6 (10) The term “person” has the meaning given
7 such term by section 101(21) of CERCLA (42
8 U.S.C. 9601(21)).

9 (11) The term “pollutant or contaminant” has
10 the meaning given such term by section 101(33) of
11 CERCLA (42 U.S.C. 9601(33)).

12 (12) The term “release” has the meaning given
13 such term by section 101(22) of CERCLA (42
14 U.S.C. 9601(22)).

15 (13) The term “response action” has the mean-
16 ing given such term by section 101(25) of CERCLA
17 (42 U.S.C. 9601(25)).

18 **TITLE I—CONVERSION OF JO-**
19 **LIET ARMY AMMUNITION**
20 **PLANT TO MIDEWIN NA-**
21 **TIONAL TALLGRASS PRAIRIE**

22 **SEC. 101. PRINCIPLES OF TRANSFER.**

23 (a) LAND USE PLAN.—The Congress ratifies in prin-
24 ciple the proposals generally identified by the land use
25 plan which was developed by the Joliet Arsenal Citizen

1 Planning Commission and unanimously approved on April
2 8, 1994.

3 (b) TRANSFER WITHOUT REIMBURSEMENT.—The
4 area constituting the Midewin National Tallgrass Prairie
5 shall be transferred, without reimbursement, to the Sec-
6 retary of Agriculture.

7 (c) MANAGEMENT OF MNP.—Management by the
8 Secretary of Agriculture of those portions of the Arsenal
9 transferred to the Secretary under this Act shall be in ac-
10 cordance with sections 104 and 105 regarding the
11 Midewin National Tallgrass Prairie.

12 (d) SECURITY MEASURES.—The Secretary of the
13 Army and the Secretary of Agriculture shall each provide
14 and maintain physical and other security measures on
15 such portion of the Arsenal as is under the administrative
16 jurisdiction of such Secretary. Such security measures
17 (which may include fences and natural barriers) shall in-
18 clude measures to prevent members of the public from
19 gaining unauthorized access to such portions of the Arse-
20 nal as are under the administrative jurisdiction of such
21 Secretary and that may endanger health or safety.

22 (e) COOPERATIVE AGREEMENTS.—The Secretary of
23 the Army, the Secretary of Agriculture, and the Adminis-
24 trator are individually and collectively authorized to enter
25 into cooperative agreements and memoranda of under-

1 standing among each other and with other affected Fed-
2 eral agencies, State and local governments, private organi-
3 zations, and corporations to carry out the purposes for
4 which the Midewin National Tallgrass Prairie is estab-
5 lished.

6 (f) INTERIM ACTIVITIES OF THE SECRETARY OF AG-
7 RICULTURE.—Prior to transfer and subject to such rea-
8 sonable terms and conditions as the Secretary of the Army
9 may prescribe, the Secretary of Agriculture may enter
10 upon the Arsenal property for purposes related to plan-
11 ning, resource inventory, fish and wildlife habitat manipu-
12 lation (which may include prescribed burning), and other
13 such activities consistent with the purposes for which the
14 Midewin National Tallgrass Prairie is established.

15 **SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
16 **AND JURISDICTION OVER ARSENAL.**

17 (a) INITIAL TRANSFER OF JURISDICTION.—Within 6
18 months after the date of the enactment of this Act, the
19 Secretary of the Army shall effect the transfer of those
20 portions of the Arsenal property identified for transfer to
21 the Secretary of Agriculture pursuant to subsection (d).
22 The Secretary of the Army shall transfer to the Secretary
23 of Agriculture only those portions of the Arsenal for which
24 the Secretary of the Army and the Administrator concur
25 that no further action is required under any environmental

1 law and which therefore have been eliminated from the
2 areas to be further studied pursuant to the Defense Envi-
3 ronmental Restoration Program for the Arsenal. Within
4 4 months after the date of the enactment of this Act, the
5 Secretary of the Army and the Administrator shall provide
6 to the Secretary of Agriculture all existing documentation
7 supporting such finding and all existing information relat-
8 ing to the environmental conditions of the portions of the
9 Arsenal to be transferred to the Secretary of Agriculture
10 pursuant to this subsection.

11 (b) ADDITIONAL TRANSFERS.—The Secretary of the
12 Army shall transfer to the Secretary of Agriculture in ac-
13 cordance with section 106(c) any portion of the property
14 generally identified in subsection (d) and not transferred
15 under subsection (a) after the Secretary of the Army and
16 the Administrator concur that no further action is re-
17 quired at that portion of property under any environ-
18 mental law and that such portion is therefore eliminated
19 from the areas to be further studied pursuant to the De-
20 fense Environmental Restoration Program for the Arse-
21 nal. At least 2 months before any transfer under this sub-
22 section, the Secretary of the Army and the Administrator
23 shall provide to the Secretary of Agriculture all existing
24 documentation supporting such finding and all existing in-
25 formation relating to the environmental conditions of the

1 portion of the Arsenal to be transferred. Transfer of juris-
2 diction pursuant to this subsection may be accomplished
3 on a parcel-by-parcel basis.

4 (c) EFFECT ON CONTINUED RESPONSIBILITIES AND
5 LIABILITY OF SECRETARY OF THE ARMY.—Subsections
6 (a) and (b), and their requirements, shall not in any way
7 affect the responsibilities and liabilities of the Secretary
8 of the Army specified in section 103.

9 (d) IDENTIFICATION OF PORTIONS FOR TRANSFER
10 FOR MNP.—The lands to be transferred to the Secretary
11 of Agriculture under subsections (a) and (b) shall be iden-
12 tified on a map or maps which shall be agreed to by the
13 Secretary of the Army and the Secretary of Agriculture.
14 Generally, the land to be transferred to the Secretary of
15 Agriculture shall be all the real property and improve-
16 ments comprising the Arsenal, except for lands and facili-
17 ties described in subsection (e) or designated for disposal
18 under section 106 or title II.

19 (e) PROPERTY USED FOR ENVIRONMENTAL CLEAN-
20 UP.—

21 (1) RETENTION.—The Secretary of the Army
22 shall retain jurisdiction, authority, and control over
23 real property at the Arsenal to be used for—

24 (A) water treatment;

1 (B) the treatment, storage, or disposal of
2 any hazardous substance, pollutant or contami-
3 nant, hazardous material, or petroleum prod-
4 ucts or their derivatives;

5 (C) other purposes related to any response
6 action at the Arsenal; and

7 (D) other actions required at the Arsenal
8 under any environmental law to remediate con-
9 tamination or conditions of noncompliance with
10 any environmental law.

11 (2) CONDITIONS.—The Secretary of the Army
12 shall consult with the Secretary of Agriculture re-
13 garding the identification and management of the
14 real property retained under this subsection and en-
15 sure that activities carried out on that property are
16 consistent, to the extent practicable, with the pur-
17 poses for which the Midewin National Tallgrass
18 Prairie is established, as specified in section 104(c),
19 and with the other provisions of such section and
20 section 105.

21 (3) PRIORITY OF RESPONSE ACTIONS.—In the
22 case of any conflict between management of the
23 property by the Secretary of Agriculture and any re-
24 sponse action or other action required under envi-
25 ronmental law to remediate petroleum products or

1 their derivatives, the response action or other such
2 action shall take priority.

3 (f) SURVEYS.—All costs of necessary surveys for the
4 transfer of jurisdiction of Arsenal property from the Sec-
5 retary of the Army to the Secretary of Agriculture shall
6 be shared equally by the two Secretaries.

7 **SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABIL-**
8 **ITY OF SECRETARY OF THE ARMY FOR ENVI-**
9 **RONMENTAL CLEANUP.**

10 (a) RESPONSIBILITY.—The liabilities and responsibil-
11 ities of the Secretary of the Army under any environ-
12 mental law shall not transfer under any circumstances to
13 the Secretary of Agriculture as a result of the property
14 transfers made under section 102 or section 106, or as
15 a result of interim activities of the Secretary of Agri-
16 culture on Arsenal property under section 101(f). With re-
17 spect to the real property at the Arsenal, the Secretary
18 of the Army shall remain liable for and continue to carry
19 out—

20 (1) all response actions required under
21 CERCLA at or related to the property;

22 (2) all remediation actions required under any
23 other environmental law at or related to the prop-
24 erty; and

1 (3) all actions required under any other envi-
2 ronmental law to remediate petroleum products or
3 their derivatives (including motor oil and aviation
4 fuel) at or related to the property.

5 (b) LIABILITY.—

6 (1) IN GENERAL.—Nothing in this Act shall be
7 construed to effect, modify, amend, repeal, alter,
8 limit or otherwise change, directly or indirectly, the
9 responsibilities or liabilities under any applicable en-
10 vironmental law of any person (including the Sec-
11 retary of Agriculture), except as provided in para-
12 graph (3) with respect to the Secretary of Agri-
13 culture.

14 (2) LIABILITY OF SECRETARY OF THE ARMY.—
15 The Secretary of the Army shall retain any obliga-
16 tion or other liability at the Arsenal that the Sec-
17 retary may have under CERCLA and other environ-
18 mental laws. Following transfer of any portions of
19 the Arsenal pursuant to this Act, the Secretary of
20 the Army shall be accorded all easements and access
21 to such property as may be reasonably required to
22 carry out such obligation or satisfy such liability.

23 (3) SPECIAL RULES FOR SECRETARY OF AGRI-
24 CULTURE.—The Secretary of Agriculture shall not
25 be responsible or liable under any environmental law

1 for matters which are in any way related directly or
2 indirectly to activities of the Secretary of the Army,
3 or any party acting under the authority of the Sec-
4 retary in connection with the Defense Environmental
5 Restoration Program, at the Arsenal and which are
6 for any of the following:

7 (A) Costs of response actions required
8 under CERCLA at or related to the Arsenal.

9 (B) Costs, penalties, or fines related to
10 noncompliance with any environmental law at
11 or related to the Arsenal or related to the pres-
12 ence, release, or threat of release of any hazard-
13 ous substance, pollutant, contaminant, hazard-
14 ous waste or hazardous material of any kind at
15 or related to the Arsenal, including contamina-
16 tion resulting from migration of hazardous sub-
17 stances, pollutants, contaminants, hazardous
18 materials, or petroleum products or their de-
19 rivatives disposed during activities of the De-
20 partment of the Army.

21 (C) Costs of actions necessary to remedy
22 such noncompliance or other problem specified
23 in subparagraph (B).

24 (c) PAYMENT OF RESPONSE ACTION COSTS.—Any
25 Federal department or agency that had or has operations

1 at the Arsenal resulting in the release or threatened re-
2 lease of hazardous substances, pollutants, or contaminants
3 shall pay the cost of related response actions or related
4 actions under other statutes to remediate petroleum prod-
5 ucts or their derivatives, including motor oil and aviation
6 fuel.

7 (d) CONSULTATION.—The Secretary of Agriculture
8 shall consult with the Secretary of the Army with respect
9 to the Secretary of Agriculture’s management of real prop-
10 erty included in the Midewin National Tallgrass Prairie
11 subject to any response action or other action at the Arse-
12 nal being carried out by or under the authority of the Sec-
13 retary of the Army under any environmental law. The Sec-
14 retary of Agriculture shall consult with the Secretary of
15 the Army prior to undertaking any activities on the
16 Midewin National Tallgrass Prairie that may disturb the
17 property to ensure that such activities will not exacerbate
18 contamination problems or interfere with performance by
19 the Secretary of the Army of response actions at the prop-
20 erty. In carrying out response actions at the Arsenal, the
21 Secretary of the Army shall consult with the Secretary of
22 Agriculture to ensure that such actions are carried out in
23 a manner consistent with the purposes for which the
24 Midewin National Tallgrass Prairie is established, as spec-

1 ified in section 104(c), and the other provisions of such
2 section and section 105.

3 **SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF**
4 **MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

5 (a) ESTABLISHMENT.—On the effective date of the
6 initial transfer of jurisdiction of portions of the Arsenal
7 to the Secretary of Agriculture under section 102(a), the
8 Secretary of Agriculture shall establish the Midewin Na-
9 tional Tallgrass Prairie. The MNP shall—

10 (1) be administered by the Secretary of Agri-
11 culture; and

12 (2) consist of the real property so transferred
13 and such other portions of the Arsenal subsequently
14 transferred under section 102(b) or 106.

15 (b) ADMINISTRATION.—

16 (1) IN GENERAL.—The Secretary of Agriculture
17 shall manage the Midewin National Tallgrass Prairie
18 as a part of the National Forest System in accord-
19 ance with this Act and the laws, rules, and regula-
20 tions pertaining to the National Forest System, ex-
21 cept that the Bankhead-Jones Farm Tenant Act of
22 1937 (7 U.S.C. 1010–1012) shall not apply to the
23 MNP.

24 (2) INITIAL MANAGEMENT ACTIVITIES.—In
25 order to expedite the administration and public use

1 of the Midewin National Tallgrass Prairie, the Sec-
2 retary of Agriculture may conduct management ac-
3 tivities at the MNP to effectuate the purposes for
4 which the MNP is established, as set forth in sub-
5 section (c), in advance of the development of a land
6 and resource management plan for the MNP.

7 (3) LAND AND RESOURCE MANAGEMENT
8 PLAN.—In developing a land and resource manage-
9 ment plan for the Midewin National Tallgrass Prai-
10 rie, the Secretary of Agriculture shall consult with
11 the Illinois Department of Conservation and local
12 governments adjacent to the MNP and provide an
13 opportunity for public comment. Any parcel trans-
14 ferred to the Secretary of Agriculture under this Act
15 after the development of a land and resource man-
16 agement plan for the MNP may be managed in ac-
17 cordance with such plan without need for an amend-
18 ment to the plan.

19 (c) PURPOSES OF THE MIDEWIN NATIONAL
20 TALLGRASS PRAIRIE.—The Midewin National Tallgrass
21 Prairie is established to be managed for National Forest
22 System purposes, including the following:

23 (1) To conserve and enhance populations and
24 habitats of fish, wildlife, and plants, including popu-

1 lations of grassland birds, raptors, passerines, and
2 marsh and water birds.

3 (2) To restore and enhance, where practicable,
4 habitat for species listed as proposed, threatened or
5 endangered under the Endangered Species Act of
6 1973 (16 U.S.C. 1531 et seq.).

7 (3) To provide fish and wildlife oriented public
8 uses at levels compatible with the conservation, en-
9 hancement and restoration of native wildlife and
10 plants and their habitats.

11 (4) To provide opportunities for scientific re-
12 search.

13 (5) To provide opportunities for environmental
14 and land use education.

15 (6) To manage the land and water resources of
16 the MNP in a manner that will conserve and en-
17 hance the natural diversity of native fish, wildlife,
18 and plants.

19 (7) To conserve and enhance the quality of
20 aquatic habitat.

21 (8) To provide for public recreation insofar as
22 such recreation is compatible with the other pur-
23 poses for which the MNP is established.

24 (d) OTHER LAND ACQUISITION FOR MNP.—

1 (1) LAND ACQUISITION FUNDS.—Notwithstand-
2 ing section 7 of the Land and Water Conservation
3 Fund Act of 1965 (16 U.S.C. 460l–9), monies ap-
4 propriated from the Land and Water Conservation
5 Fund established under section 2 of such Act (16
6 U.S.C. 460l–5) shall be available for acquisition of
7 lands and interests in land for inclusion in the
8 Midewin National Tallgrass Prairie.

9 (2) ACQUISITION OF PRIVATE LANDS.—Acquisi-
10 tion of private lands for inclusion in the Midewin
11 National Tallgrass Prairie shall be on a willing seller
12 basis only.

13 (e) COOPERATION WITH STATES, LOCAL GOVERN-
14 MENTS AND OTHER ENTITIES.—In the management of
15 the Midewin National Tallgrass Prairie, the Secretary is
16 authorized and encouraged to cooperate with appropriate
17 Federal, State and local governmental agencies, private
18 organizations and corporations. Such cooperation may in-
19 clude cooperative agreements as well as the exercise of the
20 existing authorities of the Secretary under the Cooperative
21 Forestry Assistance Act of 1978 and the Forest and
22 Rangeland Renewable Resources Research Act of 1978.
23 The objects of such cooperation may include public edu-
24 cation, land and resource protection, and cooperative man-
25 agement among government, corporate and private land-

1 owners in a manner which furthers the purposes for which
2 the Midewin National Tallgrass Prairie is established.

3 **SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR**
4 **MIDEWIN NATIONAL TALLGRASS PRAIRIE.**

5 (a) PROHIBITION AGAINST THE CONSTRUCTION OF
6 NEW THROUGH ROADS.—No new construction of any
7 highway, public road, or any part of the interstate system,
8 whether Federal, State, or local, shall be permitted
9 through or across any portion of the Midewin National
10 Tallgrass Prairie. Nothing herein shall preclude construc-
11 tion and maintenance of roads for use within the MNP,
12 or the granting of authorizations for utility rights-of-way
13 under applicable Federal law, or preclude such access as
14 is necessary. Nothing herein shall preclude necessary ac-
15 cess by the Secretary of the Army for purposes of restora-
16 tion and cleanup as provided in this Act.

17 (b) AGRICULTURAL LEASES AND SPECIAL USE AU-
18 THORIZATIONS.—Within the Midewin National Tallgrass
19 Prairie, use of the lands for agricultural purposes shall
20 be permitted subject to the following terms and conditions:

21 (1) If at the time of transfer of jurisdiction
22 under section 102 there exists any lease issued by
23 the Department of the Army, Department of De-
24 fense, or any other agency thereof, for agricultural
25 purposes upon the parcel transferred, the Secretary

1 of Agriculture, upon transfer of jurisdiction, shall
2 convert the lease to a special use authorization, the
3 terms of which shall be identical in substance to the
4 lease that existed prior to the transfer, including the
5 expiration date and any payments owed the United
6 States.

7 (2) The Secretary of Agriculture may issue spe-
8 cial use authorizations to persons for use of the
9 Midewin National Tallgrass Prairie for agricultural
10 purposes. Such special use authorizations shall re-
11 quire payment of a rental fee, in advance, that is
12 based on the fair market value of the use allowed.
13 Fair market value shall be determined by appraisal
14 or a competitive bidding process. Special use author-
15 izations issued pursuant to this paragraph shall in-
16 clude terms and conditions as the Secretary of Agri-
17 culture may deem appropriate.

18 (3) No agricultural special use authorization
19 shall be issued for agricultural purposes which has
20 a term extending beyond the date twenty years from
21 the date of enactment of this Act, except that noth-
22 ing in this Act shall preclude the Secretary from is-
23 suing agricultural special use authorizations or graz-
24 ing permits which are effective after twenty years
25 from the date of enactment of this Act for purposes

1 primarily related to erosion control, provision for
2 food and habitat for fish and wildlife, or other re-
3 source management activities consistent with the
4 purposes of the Midewin National Tallgrass Prairie.

5 (c) TREATMENT OF RENTAL FEES.—Monies received
6 pursuant to subsection (b) shall be subject to distribution
7 to the State of Illinois and affected counties pursuant to
8 the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C.
9 500). All such monies not distributed pursuant to such
10 Acts shall be covered into the Treasury and shall con-
11 stitute a special fund, which is hereby appropriated and
12 made available until expended, to cover the cost to the
13 United States of such prairie-improvement work as the
14 Secretary of Agriculture may direct. Any portion of any
15 deposit made to the fund which the Secretary of Agri-
16 culture determines to be in excess of the cost of doing such
17 work shall be transferred, upon such determination, to
18 miscellaneous receipts, Forest Service Fund, as a National
19 Forest receipt of the fiscal year in which such transfer
20 is made.

21 (d) USER FEES.—The Secretary is authorized to
22 charge reasonable fees for the admission, occupancy, and
23 use of the Midewin National Tallgrass Prairie and may
24 prescribe a fee schedule providing for reduced or a waiver
25 of fees for persons or groups engaged in authorized activi-

1 ties including those providing volunteer services, research,
2 or education. The Secretary shall permit admission, occu-
3 pancy, and use at no additional charge for persons pos-
4 sessing a valid Golden Eagle Passport or Golden Age
5 Passport.

6 (e) SALVAGE OF IMPROVEMENTS.—The Secretary of
7 Agriculture may sell for salvage value any facilities and
8 improvements which have been transferred to the Sec-
9 retary of Agriculture pursuant to this Act.

10 (f) TREATMENT OF USER FEES AND SALVAGE RE-
11 CEIPTS.—Monies collected pursuant to subsections (d)
12 and (e) shall be covered into the Treasury and constitute
13 a special fund to be known as the Midewin National
14 Tallgrass Prairie Restoration Fund. Deposits in the
15 Midewin National Tallgrass Prairie Restoration Fund,
16 which are hereby appropriated and made available until
17 expended, shall be used for restoration and administration
18 of the Midewin National Tallgrass Prairie, including con-
19 struction of a visitor and education center, restoration of
20 ecosystems, construction of recreational facilities (such as
21 trails), construction of administrative offices, and oper-
22 ation and maintenance of the MNP.

23 (g) USE OF GROUND WATER RESOURCES.—The Sec-
24 retary of Agriculture shall develop a plan to provide Will
25 County, Illinois, and local jurisdictions in the county with

1 reasonable access to, and use of, ground water through
 2 the system of water wells in existence on the date of the
 3 enactment of this Act and located on portions of Arsenal
 4 property to be included in the Midewin National Tallgrass
 5 Prairie. The Secretary shall develop the water access and
 6 use plan in consultation with the Board of Commissioners
 7 of Will County, the redevelopment authority established
 8 pursuant to section 203(c), and representatives of the af-
 9 fected jurisdictions.

10 **SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSE-**
 11 **NAL PARCELS INTENDED FOR MNP.**

12 (a) DESCRIPTION OF PARCELS.—Except as provided
 13 in subsection (b), the following areas are designated for
 14 disposal pursuant to subsection (c):

15 (1) Manufacturing Area—Study Area 1—
 16 Southern Ash Pile, Study Area 2—Explosive Burn-
 17 ing Ground, Study Area 3—Flashing Grounds,
 18 Study Area 4—Lead Azide Area, Study Area 10—
 19 Toluene Tank Farms, Study Area 11—Landfill,
 20 Study Area 12—Sellite Manufacturing Area, Study
 21 Area 14—Former Pond Area, Study Area 15—Sew-
 22 age Treatment Plant.

23 (2) Load Assemble Packing Area—Group 61:
 24 Study Area L1, Explosive Burning Ground: Study
 25 Area L2, Demolition Area: Study Area L3, Landfill

1 Area: Study Area L4, Salvage Yard: Study Area L5,
2 Group 1: Study Area L7, Group 2: Study Area L8,
3 Group 3: Study Area L9, Group 3A: Study Area
4 L10, Doyle Lake: Study Area L12, Group 4: Study
5 Area L14, Group 5: Study Area L15, Group 8:
6 Study Area L18, Group 9: Study Area L19, Group
7 20, Study Area L20, Group 25: Study Area L22,
8 Group 27: Study Area L23, Group 62: Study Area
9 L25, Extraction Pits: Study Area L31, PVC Area:
10 Study Area L33, Former Burning Area: Study Area
11 L34, Fill Area: Study Area L35, including all asso-
12 ciated inventoried buildings and structures as identi-
13 fied in the Joliet Army Ammunition Plant Plantwide
14 Building and Structures Report and the contaminate
15 study sites for both the Manufacturing and Load
16 Assembly and Packing sides of the Joliet Arsenal as
17 delineated in the Dames and Moore Final Report,
18 Phase 2 Remedial Investigation Manufacturing
19 (MFG) Area Joliet Army Ammunition Plant Joliet,
20 Illinois (May 30, 1993. Contract No. DAAA15-90-
21 D-0015 task order No. 6 prepared for: United
22 States Army Environmental Center).

23 (b) EXCEPTION.—The parcels described in subsection
24 (a) shall not include the property at the Arsenal des-
25 ignated for disposal under title II.

1 (c) INITIAL OFFER TO SECRETARY OF AGRI-
2 CULTURE.—Within 6 months after the construction and
3 installation of any remedial design approved by the Ad-
4 ministrator and required for any lands described in sub-
5 section (a), the Administrator shall provide to the Sec-
6 retary of Agriculture all existing information regarding
7 the implementation of such remedy, including information
8 regarding its effectiveness. Within 3 months after the Ad-
9 ministrator provides such information to the Secretary of
10 Agriculture, the Secretary of the Army shall offer the Sec-
11 retary of Agriculture the option of accepting a transfer
12 of the areas described in subsection (a), without reim-
13 bursement, to be added to the Midewin National Tallgrass
14 Prairie and subject to the terms and conditions, including
15 the limitations on liability, contained in this Act. In the
16 event the Secretary of Agriculture declines such offer, the
17 property may be disposed of as the Army would ordinarily
18 dispose of such property under applicable provisions of
19 law. Any sale or other transfer of property conducted pur-
20 suant to this subsection may be accomplished on a parcel-
21 by-parcel basis.

1 **TITLE II—OTHER REAL PROP-**
2 **ERTY DISPOSALS INVOLVING**
3 **JOLIET ARMY AMMUNITION**
4 **PLANT**

5 **SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**
6 **NAL FOR A NATIONAL CEMETERY.**

7 (a) TRANSFER REQUIRED.—Not later than 6 months
8 after the date of the enactment of this Act, the Secretary
9 of the Army shall transfer, without reimbursement, to the
10 Secretary of Veterans Affairs the parcel of real property
11 at the Arsenal described in subsection (b) for use as a
12 national cemetery. Subsections (b) and (c) of section 2337
13 of the National Defense Authorization Act for Fiscal
14 Years 1988 and 1989 (Public Law 101–180; 101 Stat.
15 1225) shall apply to the transfer.

16 (b) DESCRIPTION OF PROPERTY.—The real property
17 to be transferred under subsection (a) is a parcel of real
18 property at the Arsenal consisting of approximately 910
19 acres, the approximate legal description of which includes
20 part of sections 30 and 31 Jackson Township, T34N
21 R10E, and part of sections 25 and 36 Channahon Town-
22 ship, T34N R9E, Will County, Illinois, as depicted in the
23 Arsenal Land Use Concept.

24 (c) SECURITY MEASURES.—The Secretary of Veter-
25 ans Affairs shall provide and maintain physical and other

1 security measures on the real property transferred under
2 subsection (a). Such security measures (which may include
3 fences and natural barriers) shall include measures to pre-
4 vent members of the public from gaining unauthorized ac-
5 cess to the portion of the Arsenal that is under the admin-
6 istrative jurisdiction of such Secretary and that may en-
7 danger health or safety.

8 (d) SURVEYS.—All costs of necessary surveys for the
9 transfer of jurisdiction of Arsenal properties from the Sec-
10 retary of the Army to the Secretary of Veterans Affairs
11 shall be shared equally by the two Secretaries.

12 **SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**
13 **NAL FOR A COUNTY LANDFILL.**

14 (a) TRANSFER REQUIRED.—The Secretary of the
15 Army shall transfer, without compensation, to the County
16 of Will, Illinois, all right, title, and interest of the United
17 States in and to the parcel of real property at the Arsenal
18 described in subsection (b), which shall be operated as a
19 landfill by the County.

20 (b) DESCRIPTION OF PROPERTY.—The real property
21 to be transferred under subsection (a) is a parcel of real
22 property at the Arsenal consisting of—

23 (1) approximately 425 acres, the approximate
24 legal description of which includes part of sections 8
25 and 17, Florence Township, T33N R10E, Will

1 County, Illinois, as depicted in the Arsenal Land
2 Use Concept; and

3 (2) such additional acreage at the Arsenal as is
4 necessary to reasonably accommodate needs for the
5 disposal of refuse and other materials from the res-
6 toration and cleanup of only the Arsenal property as
7 provided for in this Act.

8 (c) USE OF LANDFILL.—The use by any agency of
9 the Federal Government (or its agents or assigns) of the
10 landfill established on the real property described in sub-
11 section (b)(2) shall be at no cost to the Federal Govern-
12 ment.

13 (d) REVERSIONARY INTEREST.—During the 5-year
14 period beginning on the date the Secretary of the Army
15 makes the conveyance under subsection (a), if the Sec-
16 retary determines that the conveyed real property is not
17 being operated as a landfill or that the Federal Govern-
18 ment (or its agents or assigns) is denied reasonable access
19 to the portion of the landfill described in subsection (b)(2),
20 all right, title and interest in and to the property, includ-
21 ing improvements thereon, shall revert to the United
22 States. The United States shall have the right of imme-
23 diate entry onto the property. Any determination of the
24 Secretary under this subsection shall be made on the
25 record after an opportunity for a hearing.

1 (e) SURVEYS.—All costs of necessary surveys for the
2 transfer of real property under this section shall be borne
3 by the Secretary of the Army.

4 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
5 retary of the Army may require such additional terms and
6 conditions in connection with the conveyance under this
7 section as the Secretary considers appropriate to protect
8 the interests of the United States.

9 **SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**
10 **NAL FOR ECONOMIC DEVELOPMENT.**

11 (a) TRANSFER REQUIRED.—Subject to subsection
12 (c), the Secretary of the Army shall transfer, without com-
13 pensation, to the State of Illinois, all right, title, and inter-
14 est of the United States in and to the parcel of real prop-
15 erty at the Arsenal described in subsection (b), which shall
16 be used for economic redevelopment to replace all or a part
17 of the economic activity lost at the Arsenal.

18 (b) DESCRIPTION OF PROPERTY.—The real property
19 to be transferred under subsection (a) is a parcel of real
20 property at the Arsenal consisting of—

21 (1) approximately 1,900 acres located at the
22 Arsenal, the approximate legal description of which
23 includes part of section 30, Jackson Township,
24 T34N R10E, and sections or part of sections 24, 25,
25 26, 35, and 36, Channahon Township, T34N R9E,

1 Will County, Illinois, as depicted in the Arsenal
2 Land Use Concept; and

3 (2) approximately 1,100 acres, the approximate
4 legal description of which includes part of sections
5 16, 17, 18 Florence Township, T33N R10E, Will
6 County, Illinois, as depicted in the Arsenal Land
7 Use Concept.

8 (c) CONDITION OF CONVEYANCE.—

9 (1) REDEVELOPMENT AUTHORITY.—The con-
10 veyance under subsection (a) shall be subject to the
11 condition that the Governor of the State of Illinois
12 establish a redevelopment authority to be responsible
13 for overseeing the economic redevelopment of the
14 conveyed land.

15 (2) TIME FOR ESTABLISHMENT.—To satisfy the
16 condition specified in paragraph (1), the redevelop-
17 ment authority shall be established within one year
18 after the date of the enactment of this Act.

19 (d) REVERSIONARY INTEREST.—During the 5-year
20 period beginning on the date the Secretary makes the con-
21 veyance under subsection (a), if the Secretary determines
22 that the conveyed real property is not being used for eco-
23 nomic redevelopment or that the redevelopment authority
24 established under subsection (c) is not overseeing such re-
25 development, all right, title and interest in and to the

1 property, including improvements thereon, shall revert to
2 the United States. The United States shall have the right
3 of immediate entry onto the property. Any determination
4 of the Secretary under this subsection shall be made on
5 the record after an opportunity for a hearing.

6 (e) SURVEYS.—All costs of necessary surveys for the
7 transfer of real property under this section shall be borne
8 by the Secretary of the Army.

9 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
10 retary of the Army may require such additional terms and
11 conditions in connection with the conveyance under this
12 section as the Secretary considers appropriate to protect
13 the interests of the United States.

14 **TITLE III—MISCELLANEOUS** 15 **PROVISIONS**

16 **SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.**

17 (a) IN GENERAL.—Nothing in this Act shall be con-
18 strued to restrict or lessen the degree of cleanup at the
19 Arsenal required to be carried out under provisions of any
20 environmental law.

21 (b) RESPONSE ACTION.—The establishment of the
22 Midewin National Tallgrass Prairie shall not restrict or
23 lessen in any way response action or degree of cleanup
24 under CERCLA or other environmental law, or any re-
25 sponse action required under any environmental law to re-

1 mediate petroleum products or their derivatives (including
2 motor oil and aviation fuel), required to be carried out
3 under the authority of the Secretary of the Army at the
4 Arsenal and surrounding areas.

5 (c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any
6 contract for sale, deed, or other transfer of real property
7 under title II shall be carried out in compliance with all
8 applicable provisions of section 120(h) of CERCLA and
9 other environmental laws.

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